

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Pacific Gas and Electric Company (U 39 E) for a Certificate of Public Convenience and Necessity Authorizing the Construction of the Jefferson-Martin 230 kV Transmission Project.

Application 02-09-043  
(Filed September 30, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
PROPOSING TO REOPEN THE RECORD REGARDING  
NATIONAL PARK SERVICE MITIGATION PROPOSALS**

On August 6, 2004, the National Park Service (NPS) and the U.S. Fish and Wildlife Service (USFWS) filed a response to my August 3, 2004 ruling regarding ex parte communications they have undertaken in Application 02-09-043. NPS and USFWS dispute my determination in this regard and decline to intervene as a means of submitting their positions in a manner that could be used by the Commission in its decision-making process. They include in their filing copies of the letters at issue regarding the Jefferson-Martin project.

As I explained in my August 3, 2004 ruling, the Commission may not consider NPS and USFWS recommendations unless they are submitted in the record in this proceeding. Because of the public interest in Commission consideration of a full range of potential mitigation measures for the Jefferson-Martin project, I propose that the record in this proceeding be reopened and that the July 6, 2004 letter to President Michael Peevey included in the NPS/USFWS response, with its attached June 4, 2004 letter to Wesley Skow, be entered into the

record in this proceeding. (In copies of the NPS/USFWS response served electronically, the date does not appear on the letter to President Peevey.)

No later than August 12, 2004, parties may file objections to the receipt of the identified letters and are encouraged to file comments on whether the Commission should adopt any or all of the potential mitigation measures contained in these letters. Any objections and comments must be filed with the Docket Office in paper form. However, these filings should be served on the service list in electronic form, pursuant to Rule 2.3(b). Such filings should be e-mailed to the entire service list including those appearing on the list as "Information Only." Paper format copies, in addition to electronic copies, should be served on the Assigned Commissioner and the assigned Administrative Law Judge, anyone on the Appearance and State Service portions of the service list who does not have a valid e-mail address, and any other party requesting paper format copy.

Parties have received advance electronic notice of this ruling.

**IT IS RULED** that:

1. Parties may file no later than August 12, 2004, any objections to receipt into the record in Application 02-09-043 of the July 6, 2004 letter to President Michael Peevey included in the National Park Service and the U.S. Fish and Wildlife Service August 6, 2004 filing, with its attached June 4, 2004 letter to Wesley Skow. Any party objecting to admission of these letters into the record shall specify what portions of the letters raise concerns regarding admissibility, and the basis for such concerns.

2. Parties may file no later than August 12, 2004, any comments on the mitigation proposals contained in the identified letters and whether the Commission should adopt any or all of these mitigation measures.

Dated August 9, 2004, at San Francisco, California.

/s/ CHARLOTTE F. TERKEURST

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Charlotte F. TerKeurst  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Proposing to Reopen the Record Regarding National Park Service Mitigation Proposals on all parties of record in this proceeding or their attorneys of record.

Dated August 9, 2004, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.